

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference F16452 GSK	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/IB02/00541	International filing date (day/month/year) 25/02/2002	Priority date (day/month/year) 26/02/2001	
International Patent Classification (IPC) or national classification and IPC A01G13/02			
<p><b>Applicant</b> NIEUWOUDT, Gert Johannes Van Taak</p>			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I   <input checked="" type="checkbox"/> Basis of the report</li> <li>II   <input type="checkbox"/> Priority</li> <li>III   <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV   <input type="checkbox"/> Lack of unity of invention</li> <li>V   <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI   <input type="checkbox"/> Certain documents cited</li> <li>VII   <input type="checkbox"/> Certain defects in the international application</li> <li>VIII   <input type="checkbox"/> Certain observations on the international application</li> </ul>			

Date of submission of the demand 26/09/2002	Date of completion of this report 06.03.2003
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Van Woensel, G  Telephone No. +49 89 2399 2089



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB02/00541

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):  
**Description, pages:**

1-20                   as originally filed

### Claims, No.:

1-18                   as received on                   21/02/2003   with letter of                   21/02/2003

### Drawings, sheets:

1/2,2/2               as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description,               pages:
- the claims,                   Nos.:

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the drawings, sheets:

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

### III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application.  
 claims Nos. 16-18.

because:

- the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 16-18 are so unclear that no meaningful opinion could be formed (*specify*):  
**see separate sheet**
- the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- no international search report has been established for the said claims Nos. .
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- the written form has not been furnished or does not comply with the standard.
- the computer readable form has not been furnished or does not comply with the standard.

### V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

#### 1. Statement

Novelty (N) Yes: Claims 1-15

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	No:	Claims
Inventive step (IS)	Yes:	Claims 1-15
	No:	Claims
Industrial applicability (IA)	Yes:	Claims 1-15
	No:	Claims

2. Citations and explanations  
**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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**Ad III**

1. Claims 16-18 do not contain any technical features (Article 6 PCT, lack of clarity). Therefore the subject-matter of these claims does not form part of this written opinion.

**Ad V**

1. Reference is made to the following documents:

D1: US-A-3 888 418

D2: EP-A-0 661 406

2. Document D1 relates to knitted fabric mulches for use in erosion control, landscaping, etc. The fabrics incorporate insert strips of plastic.  
Document D2 relates to vegetation mats with a net having a mesh size permitting the budding and growth of vegetation seeds.  
None of the documents discloses a water-impervious membrane strip of a synthetic plastics with tentacle anchoring formations on the upper side of the membrane strip as in present claim 1.  
Therefore, the present application meets the requirements of Article 33 PCT.

CLAIMS:

1. A tentacled plant anchor and ground cover for improving harvest yield of tentacled plants, the tentacled plant anchor and ground cover including

5 a water-impervious membrane strip of a synthetic plastics material having a side which in use is an upper side on which a growing tentacled plant can be supported; and tentacle anchoring formations on the upper side of the membrane strip for assisting a tentacled plant in the vicinity of the tentacled plant anchor and ground cover to anchor itself thereto, the tentacle anchoring formations allowing plant tentacles to 10 grow inbetween the tentacle anchoring formations and the membrane strip.

2. A tentacled plant anchor and ground cover as claimed in claim 1, in which the membrane strip has a thickness of between about 15 µm and about 40 µm, and a length of at least 500m.

15 3. A tentacled plant anchor and ground cover as claimed in any one of the preceding claims, in which the membrane strip has a width of between about 0.5 m and about 2.5 m.

20 4. A tentacled plant anchor and ground cover as claimed in any one of the preceding claims, in which the tentacle anchoring formations are defined by a net located on the upper side of the membrane strip.

25 5. A tentacled plant anchor and ground cover as claimed in claim 4, in which the net is attached to the membrane strip at a plurality of spaced locations, allowing the net to be displaceable away from the membrane strip, in areas where the net is not attached to the membrane strip.

30 6. A tentacled plant anchor and ground cover as claimed in any one of the preceding claims, in which the membrane strip defines at least one aperture therethrough for receiving a plant.

7. A tentacled plant anchor and ground cover as claimed in any one of the preceding claims, which is in the form of a roll, comprising a ply consisting of the membrane strip and another ply consisting of the tentacle anchoring formations.

5 8. A method of improving harvest yield for tentacled plants by providing tentacle anchoring formations for the tentacled plants, the method including

laying a tentacled plant anchor and ground cover as claimed in any one of the preceding claims on a strip of ground;

securing the tentacled plant anchor and ground cover to the ground; and

10 planting tentacled plants or their seed through apertures in the membrane strip so that tentacled plants growing through the apertures can anchor themselves to the tentacle anchoring formations on top of the membrane strip.

9. A method as claimed in claim 8, in which laying the tentacled plant anchor and ground cover includes unrolling the membrane strip and the tentacle anchoring formations from a roll, comprising a ply of the membrane strip and a ply of the tentacle anchoring formations.

10. A method as claimed in claim 8 or claim 9, in which securing the ground cover to the ground includes securing longitudinally extending zones adjacent respective longitudinally extending edges of the tentacled plant anchor and ground cover to the ground.

11. A method as claimed in any one of claims 8 to 10 inclusive, which 25 includes providing a tunnel or shelter over the tentacled plant anchor and ground cover.

12. A method of improving harvest yield for tentacled plants by providing tentacle anchoring formations for the tentacled plants, the method including

30 use is an upper side on a strip of ground;

laying tentacle anchoring formations on the upper side of the membrane strip;

securing the membrane strip and the tentacle anchoring formations to the ground; and

planting tentacled plants or their seed through apertures in the membrane strip so that tentacled plants growing through the apertures can anchor themselves to the tentacle anchoring formations on top of the membrane strip.

- 5        13.        A method as claimed in claim 12, which includes providing a roll, comprising a ply of the membrane strip and a ply of tentacle anchoring formations, and unrolling the membrane strip and the tentacle anchoring formations simultaneously to lay them simultaneously on the ground.
- 10      14.        A method as claimed in claim 12 or claim 13, in which securing the membrane strip and the tentacle anchoring formations to the ground includes securing longitudinally extending zones adjacent respective longitudinally extending edges of the membrane strip and a body defining the tentacle anchoring formations to the ground.
- 15      15.        A method as claimed in any one of claims 13 to 15 inclusive, which includes providing a tunnel or shelter over the membrane strip and the tentacle anchoring formations.
- 20      16.        A tentacled plant anchor and ground cover as claimed in claim 1, substantially as herein described and illustrated.
17.        A method of improving harvest yield for tentacled plants by providing tentacle anchoring formations for the tentacled plants as claimed in claim 8 or claim 12, substantially as herein described and illustrated.
- 25      18.        A new tentacled plant anchor and ground cover or a new method of improving harvest yield for tentacled plants, substantially as herein described.